

**Maverick County Environmental &
Public Health Association
3737 Deer Run Blvd
Eagle Pass, TX 78852**

February 25, 2012

Dave Navecky
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
Attn: Docket No. FD 35554

Re: STB Docket No. FD 35554, Eagle Pass Railroad, LLC – Proposed Rail Line
Construction and Operation – Maverick County, Texas

Subject: Request for Comments, Surface Transportation Board letter of
February 3, 2012.

Dear Mr. Navecky:

As President of the Maverick County Environmental and Public Health Association, I am writing to express our strong opposition to the proposed construction and operation of the Eagle Pass Railroad, LLC (EPRR) in Maverick County, Texas.

Our association was formed to oppose the application being made by Dos Republicas Coal Partnership (DRCP) to operate an open pit coal mine in Maverick County. DRCP is the wholly owned subsidiary of Mexican mining companies (including Altos Hornos de Mexico) that have a very bad environmental record in their own country. If their permit application before the Railroad Commission of Texas is granted, this mine would be established within about 3 miles of Eagle Pass city limits and much closer to other densely populated residential areas. None of the low quality coal extracted at the Dos Republicas mine would be used to meet the energy needs of the United States; 100% of it will be transported by rail to Mexico to be burned for electric power generation there.

The dangers posed by the mine to public health and the environment are in the form of air and water pollution. During the operation of the mine, large quantities of dust, coal dust and silica would be blown from the mine site into populated areas on windy days. Likewise, coal dust and silica would be blown from loaded railcars when en route to Mexico. Maverick County already has one of the highest rates of COPD (chronic obstructive pulmonary disease) in Texas. This mine will certainly exacerbate this problem.

The plan submitted for the mine operation shows all mine wastewater being discharged into Elm Creek. This creek then flows into the Rio Grande upriver of the City of Eagle Pass water intake, the sole source of drinking water for almost 50,000 people. Unlined sedimentation ponds meant to retain this wastewater are only designed for a 10 year rain event; the life of the mine is 18 – 20 years. So, it is very likely that a rain storm of greater magnitude will occur during this period and overflow the ponds, polluting our only source of drinking water. Likewise, a design flaw or material failure in these ponds would also endanger our potable water supply in the same way.

For these reasons, the overwhelming majority of the citizens of this county strongly oppose the creation of the mine. Over 6000 have signed petition letters addressed to the Texas Railroad Commission, asking them to deny Dos Republicas' permit application. By way of comparison, only about 7000 persons voted in the 2010 state and federal elections in the county.

In the Surface Transportation Board's (STB) letter of February 3, 2012, DRCP is described as the owner of EPRR. In more recent correspondence, EPRR is said to be a subsidiary of Altos Hornos and the other Mexican mining companies that own Dos Republicas. Either way, EPRR and DRCP are virtually one and the same – operated by the same Mexican companies with the same deplorable environmental and safety records. The sole stated purpose of the EPRR is to transport coal from the DRCP mine to Mexico. So, there is no other benefit to the county and existing rail traffic through the city will not be reduced.

It should also be noted that Dos Republicas and the EPRR, being 100% foreign owned, have no assets in the United States. Their officers are also citizens of Mexico. Thus, they are totally unaccountable for any environmental or property damage they may cause since they are immune to lawsuits by private citizens or government agencies.

Since the only reason for the establishment of the EPRR is to facilitate the operation of the mine and since the mine poses such a threat to the health and safety of the citizens of this community with absolutely no corresponding benefit, the Maverick County Environmental Association completely and totally opposes the construction and operation of the Eagle Pass Railroad under any and all circumstances.

EPRR has identified 5 possible corridors for this proposed rail line (see annotated maps attached). While EPRR states that the line would cross mostly rangeland, this is not true in all cases. The beginning of Corridors 1, 2 and 3 pass directly through the homes of those residents of Thompson Road (FM 1588) who are going to be most adversely affected by the mine. This area is also honeycombed by shallow underground mine tunnels left over from the Lamar Coal Mine which operated from 1907 – 1926. Numerous sinkholes and cave-ins have occurred in this area over the years, just from the weight of trucks or farm machinery. This area cannot possibly support the weight of heavily loaded railcars. The western ends of Corridors 2 and 3 also pass through residential areas including Eagle Point subdivision.

Corridor 4 is the most problematic. It parallels Elm Creek very closely for several miles and then crosses it, creating a potential for water pollution during construction or in the event of a derailment or spill. As noted above, Elm Creek empties into the Rio Grande above the city water intake. Corridor 4 then proceeds through the densely populated Deer Run Subdivision, passes very close to Pete Gallego Elementary School, through South Elm Creek subdivision and Elm Creek subdivision and then through prime agricultural land and pecan orchards as well as multiple residential areas on Hopedale Loop (FM 1589) and Kypuros Road. The Hopedale Loop area is also underlain by abandoned underground mine tunnels, these from the old Olmos and International Mines from 100 years ago.

Regardless of which Corridor is selected, construction of the new railroad bridge across the Rio Grande would take place upriver of the city water intake, creating more potential for pollution of our drinking water source, especially in the event of a derailment or spill or during construction. The 3 existing international bridges in Eagle Pass are downriver of the water intake.

Corridors 1 and 5 also cross the Maverick County Water Control and Improvement District (MCWCID) main irrigation canal. This canal provides irrigation water to thousands of acres of farmland. This crossing poses the same risk of contamination of the irrigation water as the Rio Grande crossing does for the city water supply. Corridors 2, 3 and 4 cross the MCWCID canal over the Elm Creek Siphon (where the canal runs through an underground tunnel). It is unknown if the siphon was designed to withstand the weight of heavily loaded railcars passing over it, carrying thousands of tons of coal.

The proposal by EPRR to run its corridors 1, 2, 3, and 4 through residential areas shows a complete lack of respect for the hundreds of homeowners and thousands of people who would be adversely affected by a reduced quality of life, an increased exposure to dangerous air contaminants and a substantial lowering of their property values.

EPRR has also been somewhat disingenuous when it told the STB on September 23, 2011 that "there has been some degree of outreach to the local community about the rail project." In fact, there has been virtually no public notice given and EPRR, like DRCP, appears to want to proceed as clandestinely as possible in these matters.

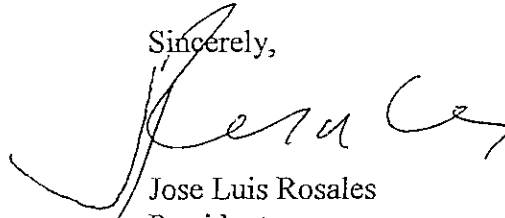
To summarize, the Maverick County Environmental and Public Health Association opposes the Eagle Pass Railroad in all its forms and variations. The most objectionable course of action is Corridor 4, followed, in order, by Corridors 3, 2, 1 and 5.

The Association also requests that the STB require a full environmental impact statement (EIS) for this proposed EPRR. As pointed out above, there are just too many environmental and public health hazards associated with this project to allow any lesser degree of assessment to take place.

We call on the STB to deny the EPRR authority to construct or operate the railroad anywhere in Maverick County, TX. Your support of our position in this matter would be crucial to protecting the health and well being of the citizens of Maverick County and would be greatly appreciated by them and by our Association.

Thank you for your consideration of our viewpoint in this matter.

Sincerely,



Jose Luis Rosales
President

Attachments:

- 1) Members of the Maverick County Environmental and Public Health Association who oppose the construction and operation of the Eagle Pass Railroad
- 2) Annotated maps from STB letter of February 3, 2012, showing place names referred to in body of letter.

Members of the Maverick County Environmental and Public Health Association
who endorse these comments and oppose the proposed construction and operation
of the Eagle Pass Railroad, LLC in Maverick County, Texas

<u>Name</u>	<u>Address (in Eagle Pass, TX)</u>
Sylvia Luna	107 N. Canal St.
Alfonso Luna	107 N. Canal St.
Irma Olguin	450 Laredo
Araceli P. Gutierrez	872 Linares
Adela Galindo	1198 TRD
Saul Pina	Saul Pina 1363 Thompson
SANDRA PINTA	1363 Thompson
Margarita Montezuma	P.O. Box 934 Sauz 2354
Francisco Nuñez	3555 Sauz
GENOVEVA HERRERA	3511 Sauz
Juan J. Borrego	P.O. Box 3422
Claudia F. Borrego	P.O. Box 3422
Jose Frausto	4243 Blanca Circle
Emilia Maya	1464 Venado
Jesús Sargan	1464 Venado Deer Run
Ulysses Zayas 401-0605	1453 Venado Deer Run
Nathaniel Black	3920 Deer Run Blvd.
Jesús Montezuma	3522 Sauz
Mario A. Salinas	3556 Steven Dr

Members of the Maverick County Environmental and Public Health Association
who endorse these comments and oppose the proposed construction and operation
of the Eagle Pass Railroad, LLC in Maverick County, Texas

Name

Address (in Eagle Pass, TX)

Juliet Martinez

394 Hillcrest Blvd

~~Walter~~ Walter Herring 3959 FM 1588

Ladye Herring 3959 FM 1588

Juanita V Martinez 3220 E I India Hwy

Lina Ellis Rt 2 Box 172 E Pas Del

Liana Sanchez 738 Colorado St.

Lyn B. Bales 3829 Crow Creek Dr

Emma H. Alvarado 103 Heritage Farms Rd

Tina Goya Martinez 103-Heritage Farms Rd

Mario Ruiz 342 Medina St

Ana Suarez 289 County Rd 307

Alberto Gomez 289 County Rd. 307

Leticia Dela Cerda 307 county Rd 307

Gabriel Dela Cerda 307 county Rd 307

Mike P. Hernandez RT2 Box 171B

EVA GUERRA- House P.O. Box 277 Quemado Tx 78877

Concepcion Barro 3187 TINA DR

Ana Dainaj RT2 Box 198

Humberto Gomez Rt 2 Box 198

Members of the Maverick County Environmental and Public Health Association
who endorse these comments and oppose the proposed construction and operation
of the Eagle Pass Railroad, LLC in Maverick County, Texas

<u>Name</u>	<u>Address (in Eagle Pass, TX)</u>
Carlos R. Montero	2983 Chapala Dr
Esmeralda Rodriguez	4234 Tina Dr Eagle Pass TX
Elvinto Rodriguez	4234 Tina Dr Eagle Pass TX
Abraham H. Martinez	1329 ELKLANE Eagle Pass TX
Betha Rivera	3624 Elk Lane
Rosa Rodriguez	678 Progresso
Gilberto Rodriguez	107 E 138
Jesus de Hoyos	1294 Pecan Dr
Martina de Hoyos	1294 Pecan Dr
Angie O. Brilleiro	1329 Elk Lane
Laura Lopez	1856 Williams St. E.P.T. TX
Betha E. Baca	Elk Lane 306
Jose Luis Baca	Elk Lane 306
Mar Salazar	3556 Green Dr.
Pelaez Rivera	3624 ELKLANE
Yocum Brilleiro	757 Barbara St.
Manoel Brilleiro	757 Barbara St
Judith Montezuma	3541 Saur
Carmen Ingoch	3626 Elk Lane

Members of the Maverick County Environmental and Public Health Association
who endorse these comments and oppose the proposed construction and operation
of the Eagle Pass Railroad, LLC in Maverick County, Texas

Name

Address (in Eagle Pass, TX)

Art A. Ellis RT 2 Box 122 E. Pass TX 78852

Luis A. Ruiz 1610 Buckley Ave. Eagle Pass TX 78852

Monte B. Barty 110 Hyperion Rd.

Mary D. Barty 110 KYRUS ROAD

Glenna Russell 89 Kyruos Rd

John Moul 3964 FM 1588 Thompson Rd

Mary Lynn Moul 3964 FM 1588 Thompson Rd

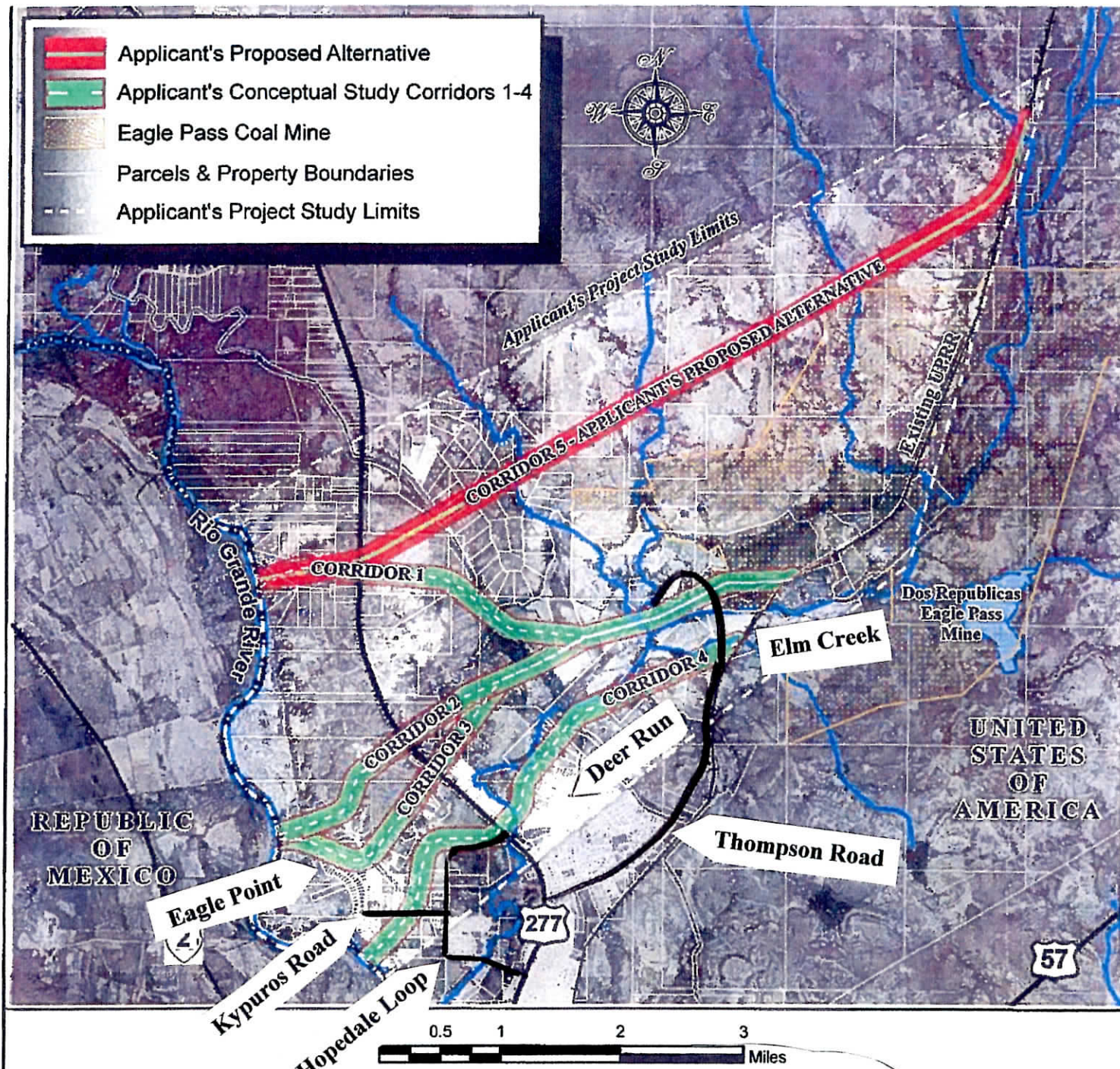
Charles Moul 3964 FM 1588 Thompson Rd

Jim & Rosa O'Donnell HC 2 Box 194 (Co Rd 307) 116

E. K. Taylor RT 2 Box 186 Thompson Road

Prosser Martin Wall 2781 Fm 1588 Eagle Pass, TX 78852

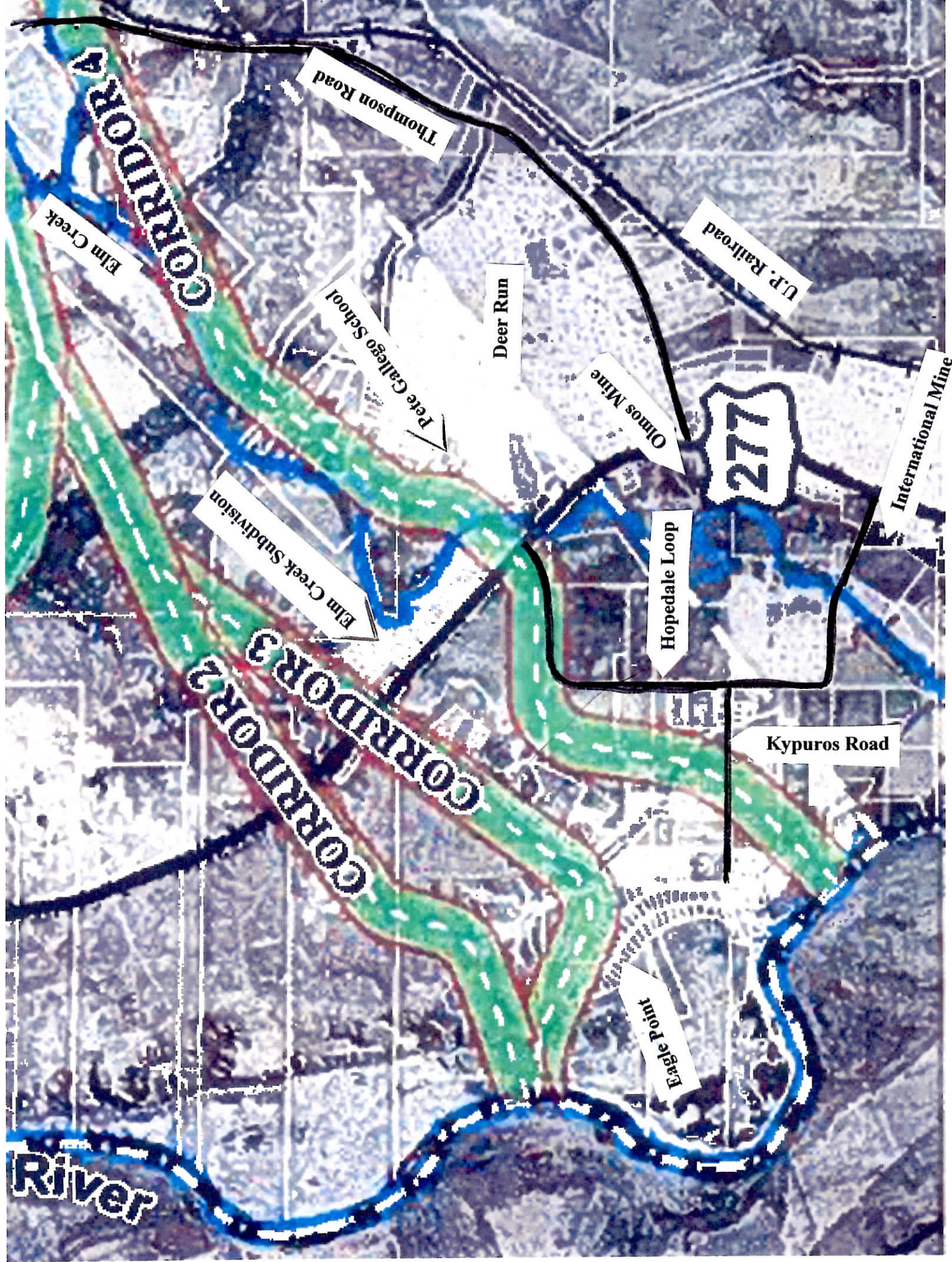
Kimby Wall

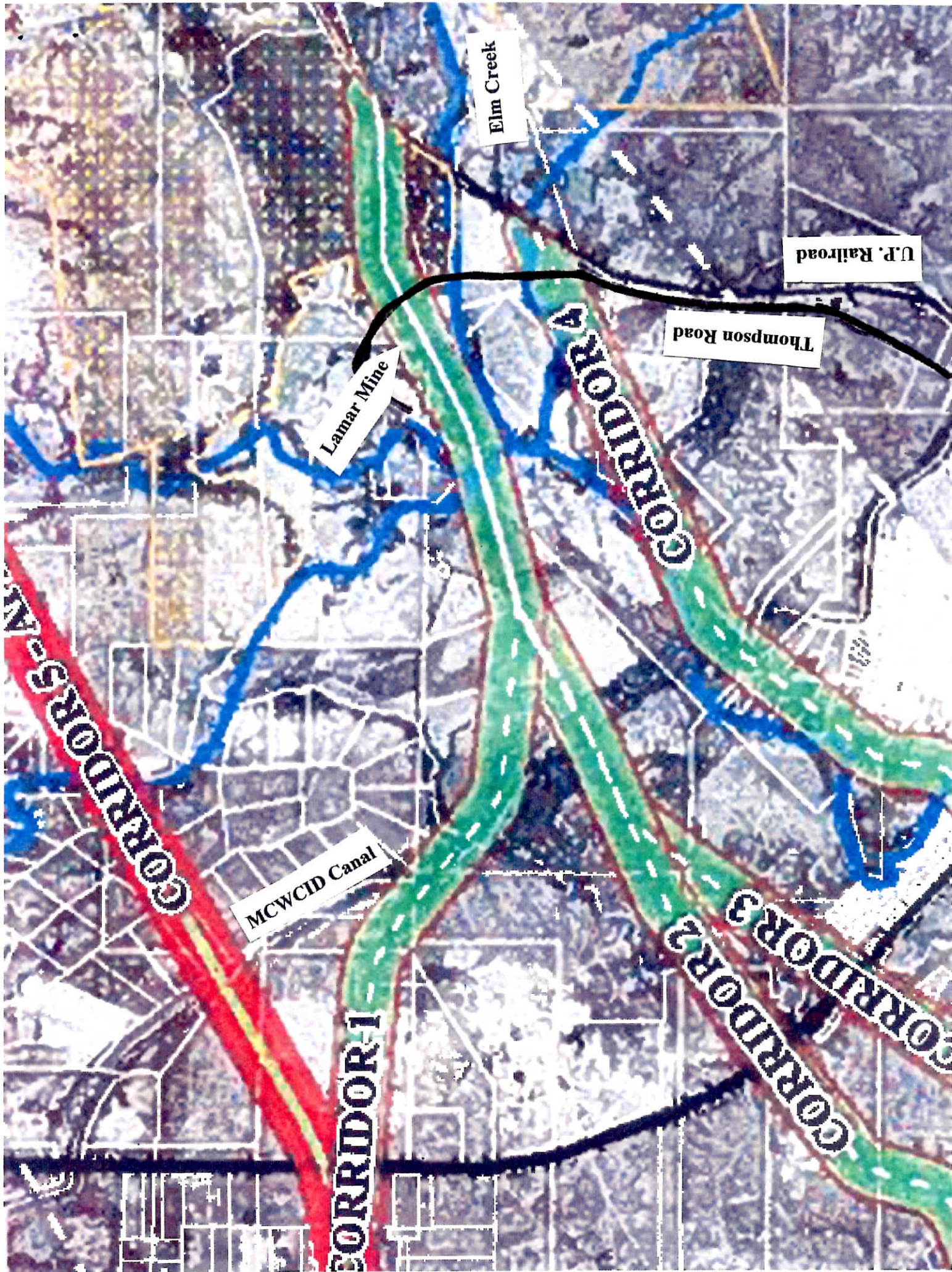


APPLICANT'S STUDIED ALTERNATIVES

PROPOSED EAGLE PASS RAILROAD LINE

STB DOCKET NO. FD 35554





Elm Creek

U.P. Railroad

Thompson Road

Lamar Mine

MCWCID Canal

CORRIDOR 4

CORRIDOR 1

CORRIDOR 2

CORRIDOR 3

CORRIDOR 4